

## **II. REMARKS**

Claims 17, 20, 21, 26, 29, 32-35 and 37 are pending in the subject application and were examined. Claims 1 to 16, 19 to 19, 22 to 25, 27 to 28, 30 to 31 and 36 have been previously canceled. By the Office Action issued November 29, 2007 by the U.S. Patent and Trademark Office, claims 17, 26, 29, 32, 33 and 37 stand variously rejected and claims 20, 21, 34 and 35 have been found allowable. By this Amendment, claims 17, 26, 29, 32, 33 and 37 have been canceled. Applicant's cancellation of the claims as previously presented are made without prejudice to Applicant's right to pursue the same or similar subject matter in a related application. Furthermore, the cancellation of the claims is not intended to be a dedication to the public of the subject matter of the claims as previously presented. These amendments are made in a sincere effort to place the application in condition for allowance and were not made earlier as it was Applicant's belief that the claims presented patentable subject matter.

This amendment deletes claims in this application. A detailed listing of all claims that are, or were, in the application, irrespective of whether the claim(s) remain under examination in the application, is presented, with an appropriate defined status identifier.

After amending the claims as set forth above, claims 20, 21, 34 and 35 are now pending in this application. In view of the preceding amendments, the following remarks and attached terminal disclaimer, reconsideration and withdrawal of all rejections are respectfully requested.

### **35 U.S.C. § 112, First Paragraph**

Claims 17, 26, 29, 32 to 33 and 37 stand rejected under 35 U.S.C. § 112, first paragraph for the reasons of record.

Without conceding the correctness of the Office's position, and in a sincere effort to place the application in condition for allowance, claims 17, 26, 29, 32 to 33 and 37

have been canceled without prejudice or disclaimer. Accordingly, the rejections under 35 U.S.C. § 112, first paragraph have been rendered moot.

### **Obvious-type Double Patenting**

Claims 17, 26, 29, 32 to 33 and 37 stand rejected under the judicially created doctrine of obvious-type double patenting as allegedly unpatentable over claims 1-12 of U.S. Patent No. 6,495,553 for the reasons of record.

Claims 17, 26, 29, 32 to 33 and 37 stand rejected under the judicially created doctrine of obvious-type double patenting as allegedly unpatentable over claims 36-39 of U.S. Patent No. 6,339,151 for the reasons of record.

Claims 17, 26, 29, 32 to 33 and 37 stand rejected under the judicially created doctrine of obvious-type double patenting as allegedly unpatentable over claims 1-7 of U.S. Patent No. 6,245,750 for the reasons of record.

Claims 17, 26, 29, 32 to 33 and 37 stand rejected under the judicially created doctrine of obvious-type double patenting as allegedly unpatentable over claims 1-10 of U.S. Patent No. 6,683,061 for the reasons of record.

Without conceding the correctness of the Office's position, and in a sincere effort to place the application in condition for allowance, claims 17, 26, 29, 32 to 33 and 37 have been canceled without prejudice or disclaimer. Accordingly, these rejections have been rendered moot.

Additionally, claims 17, 20 to 21, 26, 29, 32 to 35 and 37 stand rejected under the judicially created doctrine of obvious-type double patenting as allegedly unpatentable over claims 56-84 and 86-89 of co-pending U.S. Patent Application No. 09/782,721; claims 5-18, 21-23 and 27-50 of co-pending U.S. Patent Application No. 09/789,226; claims 1-36 of co-pending U.S. Patent Application No. 11/034,036; claims

1-18 of co-pending U.S. Patent Application No. 10/051,320; claims 1 and 53-83 of co-pending U.S. Patent Application No. 10/681,418 for the reasons of record.

Without conceding the correctness of the Office's position and in a sincere effort to place the instant application in condition for allowance, Applicant encloses herewith a terminal disclaimer and authorization to pay the fee. Removal of the aforementioned rejections is respectfully requested.

Furthermore, the Office states that one or more of claims 17, 20 to 21, 26, 29, 32 to 35 and 37 of the instant application allegedly conflict with claims 1-33 of Application No. 10/119,927, claims 56 to 84 and 86 to 89 of co-pending Application No. 09/782,721, claims 1-18 of co-pending Application No. 10/051,320, claims 1 and 53 to 83 of co-pending Application No. 10/681,418, claims 1 to 36 of co-pending Application No. 11/034,036 and claims 15-18, 21-23 and 27-50 of co-pending Application No. 09/789,226.

The Office cites 37 CFR § 1.78(b) and states that when two or more applications filed by the same applicant contain conflicting claims, that elimination of such claims from all but one of application may be required in the absence of good and sufficient reason for their retention during pendency in more than one application. The Office requests that Applicants either cancel the allegedly conflicting claims from all but one application, or maintain a clear line of demarcation between the applications.

Applicant's undersigned attorney acknowledges the Examiner's attention to the allegedly conflicting claims in the above-noted applications. Applicant's attorney has reviewed the applications and believes that recent amendments have removed any overlapping subject matter of the present application and U.S. Serial Nos.: 09/782,721; 10/051,320; 10/681,418 and 10/681,418. Applicant will defer amendment of the claims in U.S. Serial Nos.: 11/034,036 and 09/789,226 to remove allegedly conflicting subject matter until a later date.

### III. CONCLUSION

Applicant believes that the present application is now in condition for allowance. Favorable reconsideration of the application as amended is respectfully requested.

The Examiner is invited to contact the undersigned by telephone if it is felt that a telephone interview would advance the prosecution of the present application.

The Commissioner is hereby authorized to charge any additional fees which may be required regarding this application under 37 C.F.R. §§ 1.16-1.17, or credit any overpayment, to Deposit Account No. 19-0741. Should no proper payment be enclosed herewith, as by a check or credit card payment form being in the wrong amount, unsigned, post-dated, otherwise improper or informal or even entirely missing, the Commissioner is authorized to charge the unpaid amount to Deposit Account No. 19-0741. If any extensions of time are needed for timely acceptance of papers submitted herewith, Applicants hereby petition for such extension under 37 C.F.R. §1.136 and authorizes payment of any such extensions fees to Deposit Account No. 19-0741.

Respectfully submitted,

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